

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** March 24, 2015      **Approx Start Time:** 2:00      **Approx Length:** 30 min

**Presentation Title:** Transportation & Development's Proposed Fee and Fine Changes for FY 2015-16

**Department:** County Administration

**Presenters:** Deputy County Administrator Laurel Butman, DTD Director Barb Cartmill

**Other Invitees:** Diedre Landon, Transportation & Development

### **WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?**

We are seeking preliminary approval of the revised fee schedule for the Department of Transportation & Development for inclusion in FY 2015-16 budget proposals.

### **EXECUTIVE SUMMARY:**

This is an annual review of proposed fees and fines for the coming fiscal year. Each year, the Board of County Commissioners sets fees and fines along with adoption of the budget for the coming fiscal year. Early review and preliminary provisional approval of proposed fees and fines allows County departments to integrate those proposals into the requested budgets they submit to the County Administrator.

A summary of changes is as follows; the attachment to this packet lists the proposed fees/fines. The Department of Transportation & Development is revising some fees for several reasons including:

- ▶ Covering rising actual costs
- ▶ Achieving increased cost recovery
- ▶ Regulatory changes
- ▶ Adding process efficiencies
- ▶ Better capturing staffing costs spent in initial review even if proposals ultimately do not move forward

**NOTE:** All fee/fine changes are highlighted in **yellow** on the attachments.

### **FINANCIAL IMPLICATIONS (current year and ongoing):**

Fee and fine changes respond to constituent and market forces and demands as well as local, state, or other regulatory changes. For departments dependent on cost recovery to provide required levels of service, annual adjustments allow them to keep pace with economic changes.

### **LEGAL/POLICY REQUIREMENTS:**

Unless otherwise delegated, the Board of County Commissioners establishes fees and fines as part of the annual budget adoption process.

### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

The Budget Committee meets for several days of review and hearings in the spring. Fees and fines are at that point integrated into the Administrator's Proposed Budget and subject to further review. The Board of County Commissioners formally sets the fees and fines at the budget adoption hearing in June.

**OPTIONS:**

1. Approve DTD’s proposed fees and fines for integration into its departmental budget.
2. Provide further direction regarding DTD’s proposed fees and fines.

**RECOMMENDATION:**

Staff respectfully recommends approval of DTD’s proposed fees and fines for integration into its departmental budget.

**ATTACHMENTS:**

1. Attachment A: Transportation & Development Fee Changes for FY 2015-16

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_  
 Department Director/Head Approval \_\_\_\_\_  
 County Administrator Approval \_\_\_\_\_ LB \_\_\_\_\_

For information on this issue or copies of attachments, please contact Laurel Butman @ 503-655-8893

**Fiscal Impact Statement**

**RESOURCES:**

Is this item in your current work plan and budget?

- YES  
 NO (but to be included in requested budgets for FY 2015-16)

**START-UP EXPENSES AND STAFFING (if applicable):** N/A

**ONGOING OPERATING EXPENSES/SAVINGS AND STAFFING (if applicable):** N/A

**ANTICIPATED RESULTS:** Noted in worksheet and attachments

**COSTS & BENEFITS:** Noted in worksheet and attachments

# Attachment A – Transportation & Development Fee Changes for FY 2015-16

## Summary of Changes

### DTD - ADMINISTRATION

#### **Credit Card Convenience Fee** **2.16% on transactions**

**Description:** Adopt a new fee to cover card transaction costs. Currently DTD allows cards for transactions of up to \$1,500; however, this does not align with county policies that prevent minimum or maximum limits on card transactions. With the adoption of this new fee, DTD would allow customers to use cards for any transaction amount; however, payments would require the payment of a convenience fee to offset transaction costs required by the card company. The ability to expand the use of card payments, subject to the adoption of the convenience fee, would help our customers by expanding their payment options while supporting DTD's effort to broaden the ability for people to pay permit fees remotely via the Internet or by phone.

### DTD – ENGINEERING

#### **Development Permit (minimum fee)** **\$1,825**

**Description:** A minimum permit fee of \$974 is currently required on any development permit issued by the Engineering Division for the construction of on-site civil improvements. Permits of this nature are generally issued to ensure that any civil improvements conditioned through the land use planning process are designed and constructed in a satisfactory manner. The actual total cost of some of these permits is based on the basis of parking space or percentage of construction costs. In some instances, such as commercial projects with no parking, sizeable projects are submitted but under the current fee structure only a minimum fee is applicable. While staff considered adjusting the fee methodology, staff felt a more reasonable approach would be to simply increase the minimum fee to \$1,825 to increase cost recovery on these minimum permit fee projects from 34% to 65%.

#### **Surface Water and Erosion Control Plan Review Fee** **\$710**

**Description:** Currently the DTD Engineering Division is required to review surface water and erosion control measures for all proposed developments in the unincorporated area of Clackamas County when the parcel is not located in a surface water management district, such as Clackamas County Service District #1 and Oak Lodge Sanitary District. These reviews are above and beyond the customary on-site civil and traffic reviews and this charge will help improve the cost recovery rate on our Site Development (SD) permits when this additional plan review is required. DTD staff have the expertise and currently complete these reviews, but there is currently no fee for this additional service.

#### **Reimbursement District / Zone of Benefit Application Fee** **Actual Cost / \$10,000 Deposit**

**Description:** County code currently allows individuals or developers to establish a Zone of Benefit, commonly referred to as a reimbursement district, to cover the cost of required improvements that provide broader benefit to other properties in the area. While districts of this nature are initiated at the request of the individual or developer, the formation of the district requires significant public outreach, analysis and a Board of County Commissioners public hearing. Section 4.03.030 of the County Code regulates formation of a Zone of Benefit. Subsection (B)(6) states, "A nonrefundable application fee, as established by the Board of County Commissioners by

resolution, to cover the County's costs in providing notice of public hearing and the Administrator's examination and report, shall be paid at the time of application. " To date, no such fee has been established. Staff recommends the adoption of an actual cost fee with a minimum \$10,000 deposit because the one recent application we received cost more than \$7,000 before the application was withdrawn after an agreement was reached between the two parties.

**Utility Permit Fee** **\$100**

**Description:** Utility permit fee to offset the cost of performing inspections for work in the right of way, this fee will help the county recover the cost of inspecting right-of-way encroachments by utilities. ORS 758.010 prohibits charging permit fees for certain public utility use of the road right-of-way and the permit fee will be waived for these applicants. This fee recovers the cost of inspecting the utility work twice, once upon completion by the contractor and once at the end of the surety period.

**Utility Permit Surety** **\$0**

**Description:** Utility permits are issued to private construction companies and public utility providers when work is required on or near utilities located in road and right-of-way under Clackamas County's jurisdiction. Currently a \$1,000 cash surety is required and retained for three years following any work completed to ensure any impacts to the County road system are adequately repaired. Review of historical data shows the surety is rarely used for repairs, but still staff costs are accrued to track the surety over the three-year period and release of the surety. Staff determined that the Construction Contractors Board (CCB) surety can be used as an alternative method of cash surety to gain compliance with a contractor working in the right-of-way. In lieu of the current surety of \$1,000, staff recommends CCB license numbers be a permit requirement and staff will contact the CCB to collect the contractor's licensing surety if any issue arises.

**Temporary Road Closures on an Arterial, Collector or Connector Road** **\$195**

**Description:** DTD is also proposing to *decrease* the fee for temporary road closures. Currently, the fee for a road closure request is actual costs with a deposit:

- \$2,000 deposit for a road with average daily traffic (ADT) counts of less than 5000
- \$5,000 deposit for a road with ADT greater than 5000

The current deposit is significantly higher than the cost for the department to process the vast majority of requests. While DTD does spend staff time on them, most involve just a small amount of administrative work and a traffic control review. DTD would like to replace the deposit with a flat fee of \$195 for all temporary road closures.

**DTD – DOG SERVICES**

**Owner Surrender Fee** **\$105**

**Description:** Increase the owner surrender fee to cover increased costs associated with providing needed services (such as behavior and medical assessment, sheltering, medical services and if deemed appropriate, euthanasia).

## DTD - PLANNING

### **POLICY: Refunding Application Fees**

- Application or Appeal Withdrawn—no public notice sent, staff report issued or decision issued: Full refund of application fee
- Application or Appeal Withdrawn—public notice sent: application or appeal fee refunded less \$135 notice fee  
*Note: \$135 is equivalent to our adopted re-notification fee.*
- Application Withdrawn—staff report or decision issued: no refund of application fee

**Description:** The Code updates last fall repealed one provision related to the policy on refunding application fees, but our language has never fully covered our refund policy. The ZDO currently states: “Appeal fees shall be refunded if the appellant prevails. Any other fee refund policy shall be established by separate order of the Board of County Commissioners“. Refunding appeal fees if the appellant prevails is a statutory requirement. Our internal fee schedule includes the refund policy (except on appeals), but we recommend editing the language to better clarify our land use application refund policy for our customers.

## Transportation & Development (DTD) Fee Changes

Description	AUTHORIZING LEGISLATION	Current FEE amount	Proposed FEE amount	Comparables
<b>ADMINISTRATION</b>				
<b>Credit/Debit Card Convenience Fee</b>	Code §1.01.090	\$0 - transactions limited to a maximum \$1,500	2.16% on transactions	<ul style="list-style-type: none"> <li>Washington County Tax Assessor = 2.49% Credit/Debit</li> <li>Multnomah County Tax Assessor = 1% Debit; 2.35% Credit</li> <li>Clackamas County Tax Assessor = 2.49% Credit/Debit</li> </ul>
<b>ENGINEERING</b>				
<b>Residential Subdivision/Partition Plan Review &amp; Construction Inspection</b>  Up to \$10,000 in improvement costs  For \$10,000 or more in construction costs	Code §1.01.090	\$974 min. fee  8.83% of construction cost	\$1,825 min. fee  8.83% of construction cost or \$1,825 min. fee whichever is greatest	<ul style="list-style-type: none"> <li>Washington County = Actual cost / \$3,735 minimum</li> <li>Multnomah County &amp; City of Portland = \$1,066 - minimum fee + Actual Cost / 20% deposit for work in right of way (\$100,000 value = \$1,738 minimum fee)</li> </ul>

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Description	AUTHORIZING LEGISLATION	Current FEE amount	Proposed FEE amount	Comparables
<b>ENGINEERING, continued</b>				
<b>Commercial Development Traffic &amp; Site Plan Review &amp; Construction Inspection</b> (includes apartments & condominiums):	Code §1.01.090			<ul style="list-style-type: none"> <li>• Washington County = Actual cost / \$3,735 minimum</li> <li>• Multnomah County &amp; City of Portland = \$1,066 - minimum fee + Actual Cost / 20% deposit for work in right of way (\$100,000 value = \$1,738 minimum fee)</li> </ul>
<b>Non-structured Parking</b>  Up to eight (8) parking spaces  Eight (8) or more spaces		\$974 min. fee  \$122 per space	\$1,825 min. fee  \$122 per space or \$1,825 min. fee whichever is greatest	
<b>Structured Parking</b> (Fee assessed on the average number of parking spaces per level)  Up to eight (8) parking spaces per level  Eight (8) or more spaces per level		\$974 min. fee  \$122 per space	\$1,825 min. fee  \$122 per space or \$1,825 min. fee whichever is greatest	
<b>Surface Water and Erosion Control Plan Review</b> (Minor Partition, Subdivision, Partition, Multi-family, Commercial, Industrial)	Code §1.01.090	\$0	\$710	<ul style="list-style-type: none"> <li>• WES = Min. \$710, fee may increase based on cost of surface water management system.</li> <li>• Oak Lodge = \$725 flat fee</li> </ul>
<b>Reimbursement District Application (Zone of Benefit)</b>	Code §1.01.090; §4.03.030(B)(6)	\$0	Actual Costs / \$10,000 deposit	<ul style="list-style-type: none"> <li>• Happy Valley = Actual Cost / \$1,500 deposit</li> </ul>
<b>Utility Permit - Inspection Fee</b>	Code §1.01.090; ORS §758.010	\$0	\$100; ORS prohibits charging fee for certain public utility use of the road right-of-way. Fee is waived for these applicants	<ul style="list-style-type: none"> <li>• Linn County = \$55</li> <li>• Benton County = \$305</li> </ul>

Description	AUTHORIZING LEGISLATION	Current FEE amount	Proposed FEE amount	Comparables
<b>ENGINEERING, continued</b>				
Utility Permit - Surety	Code §1.01.090; §7.03.130(E)	\$1,000	\$0	
Temporary Road Closures on an arterial, collector or connector road: with less than 5000 ADT	Code §1.01.090	Actual Costs/ \$2,000 deposit	\$195	<ul style="list-style-type: none"> <li>Washington County charges a \$1000 deposit and charges actual costs.</li> </ul>
Temporary Road Closures on an arterial, collector or connector road: with more than 5000 ADT	Code §1.01.090	Actual Costs/ \$5,000 deposit	\$195	<ul style="list-style-type: none"> <li>Washington County charges a \$1000 deposit and charges actual costs.</li> </ul>
<b>DOG SERVICES</b>				
Owner surrender fee	Code §1.01.090	\$55	\$105	<ul style="list-style-type: none"> <li>Washington County = \$91-200 (\$40 + minimum \$51 / maximum \$149 for euthanasia)</li> <li>Humane Society = \$90 (\$50 + minimum \$40 for euthanasia)</li> </ul>
<b>PLANNING</b>				
Application or Appeal Withdrawn—no public notice sent, staff report issued, or decision issued	Code §1.01.090		Full Refund of Application Fee	
Application or Appeal Withdrawn—public notice sent	Code §1.01.090		Application or Appeal Fee Refunded; Less \$135.00 Notice Fee	<ul style="list-style-type: none"> <li>\$135 is equivalent to our adopted re-notification fee.</li> </ul>
Application Withdrawn—staff report or decision issued	Code §1.01.090		No Refund of Application Fee	